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7 *Attorneys for Plaintiff / Counter-Defendant*  
8 *Nevada Controls, LLC*

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

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12 NEVADA CONTROLS, LLC, a Nevada  
Limited Liability Company,

Case No.: 3:12-cv-00068-HDM-VPC

13 Plaintiff,

14 v.

**PLAINTIFF NEVADA CONTROLS'  
STATEMENT OF ATTORNEY FEES  
AND COSTS PURSUANT TO MINUTE  
ORDER (Doc. #35)**

15 WIND PUMP POWER, LLC, a Kansas  
16 Limited Liability Company, SUNFLOWER  
WIND, LLC, a Kansas Limited Liability  
17 Company; DAN RASURE, an individual,

18 Defendants.  
19 \_\_\_\_\_/

20 Plaintiff Nevada Controls, LLC ("Nevada Controls") hereby submits its Statement  
21 of Attorney's Fees and Costs pursuant to the Court's Order, dated October 18, 2012,  
22 (Doc. #35) and LR 54-16(b) and (c). This Statement is supported by the following  
23 memorandum of points and authorities, the attached affidavit and exhibits, and such  
24 other information as the Court may wish to consider.

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## MEMORANDUM OF POINTS AND AUTHORITIES

Defendants have failed to provide responses to the discovery requests served by Nevada Controls. As a result, Nevada Controls attempted to meet and confer with the Defendants and their counsel. When those negotiations were unsuccessful, Nevada Controls filed a Motion to Compel responses to the discovery requests. (Doc. #33). The Motion has been granted, and the Court ordered that Nevada Controls submit a separate Statement of Attorney's Fees and Costs, pursuant to LR 54-16(b) and (c). (Doc. #35). This Statement is submitted accordingly.

In the Motion to Compel, Nevada Controls also sought an award of the attorney fees and costs incurred in this discovery dispute, and the Motion makes reference to the attorney fees incurred in relation to the Motion. However, the time on this matter has been adjusted since the Motion was filed, as reflected on the actual invoices generated for the client. (See Affidavit of Leigh Goddard, Ex. 1). The actual attorney time billed to the client related to this discovery dispute is as follows:

Date	Attorney	Hours	Amount
8/29/12	Leigh Goddard	.50	\$ 175.00
8/30/12	Leigh Goddard	.50	\$ 175.00
9/19/12	Adam Hosmer-Henner	1.00	\$ 265.00
9/20/12	Adam Hosmer-Henner	1.50	\$ 397.50
9/21/12	Leigh Goddard	1.00	\$ 350.00
9/24/12	Leigh Goddard	1.00	\$ 350.00
9/25/12	Leigh Goddard	.25	\$ 87.50
9/27/12	Leigh Goddard	.25	\$ 87.50
10/17/12	Leigh Goddard	.25	\$ 87.50
		<b>TOTAL:</b>	<b>\$1,975.00</b>

Nevada Controls retained the law firm of McDonald Carano Wilson, LLP by an engagement agreement, dated December 22, 2011. The engagement agreement identifies that the professional services will be provided at hourly rates. (See Ex. 1). The Engagement Agreement provides for payment to McDonald Carano Wilson LLP of the following hourly rates as follows:

Leigh Goddard, \$350 per hour

Jessica Woelfel, \$275 per hour

1 Adam Hosmer-Henner, \$265 per hour

2 The total actual costs incurred by Nevada Controls related to the discovery  
3 dispute are: \$29.10. A true and correct copy of the bill of costs is attached to the  
4 Statement as **Exhibit 2**. Accordingly, the total attorney fees and costs incurred by  
5 Nevada Controls related to the discovery dispute in this action total **\$2,004.10**.

6 All attorney fees and costs included identified above were reasonable and  
7 necessary to represent Nevada Controls with respect to this discovery dispute. (Ex. 1  
8 at ¶ 19). Although the discovery dispute is not particularly complex, Nevada Controls  
9 incurred this expense unnecessarily as a result of Defendants' failure to respond to the  
10 discovery requests. (Id.). The dispute has been complicated even more by  
11 Defendants' failure to retain counsel with which a meaningful discussion could be had  
12 related to the outstanding discovery requests and the discovery plan. (Id.). Attempts to  
13 discuss an adjustment of the discovery schedule have been similarly thwarted by the  
14 lack of communication with Defendants. (Id.).

15 Attorney fees and costs incurred by the Defendants in this matter are reflected in  
16 the monthly statements prepared by McDonald Carano Wilson LLP. Attached to the  
17 Motion as **Exhibit 3** are true and correct copies of the invoices for this matter. The  
18 hourly rates reflected on the invoices are fair and reasonable rates for professional  
19 services by litigation attorneys at McDonald Carano Wilson LLP. (Ex. 1 at ¶ 23). The  
20 firm's clients have been awarded fees in other matters at similar rates for litigation  
21 services provided by attorneys of the firm. (Id.).

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1 Based upon the foregoing and the attachments, Nevada Controls respectfully  
2 requests an order granting an award of attorney fees and costs in the amount of  
3 \$2,004.10.

4 Dated: October 25, 2012.

5 McDonald Carano Wilson LLP

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8 LEIGH GODDARD  
JESSICA WOELFEL

9 Attorneys for Plaintiff / Counter-Defendant  
10 Nevada Controls, LLC

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**CERTIFICATE OF SERVICE**

I hereby certify, under penalty of perjury, that I am an employee of McDonald Carano Wilson LLP and that pursuant to LR 5-3 I caused to be electronically filed on this date a true and correct copy of the foregoing document with the Clerk of the Court using the CM/ECF system; and by depositing a copy of the same in the U.S. Mail, first class postage fully prepaid, addressed to:

Dan Rasure  
Wind Pump Power, LLC  
Sunflower Wind, LLC  
6488 Road 16  
Goodland, Kansas 67735

DATED: October 25, 2012.

  
Pamela Miller

  
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